

Business and Noninstructional Operations

BIDS

The Governing Board is committed to promoting public accountability and ensuring prudent use of public funds. When leasing, purchasing or contracting for equipment, materials, supplies, or services for the District, including when contracting for public projects involving District facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the District, such contracts shall be made using competitive bidding.

(cf. 0410 – Nondiscrimination in District Programs and Activities)

(cf. 3000 – Concepts and Roles)

(cf. 3230 – Federal Grant Funds)

(cf. 3300 – Expenditures/Expending Authority)

The Superintendent/designee shall establish comprehensive bidding procedures for the District in accordance with law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

When calling for bids, the Superintendent/designee shall ensure that the bid specifications clearly describe in appropriate detail the quality, delivery, and service required- and include all information which the District knows or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Except as authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When the Board has determined that it is in the best interest of the District, the District may piggyback onto the contract of another public agency or corporation to lease or purchase any personal property **to** the extent authorized by law when the Board has determined that it is in the best interest of the District. (Public Contract Code 20118)

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For award of contracts which, by law or Board Policy, require prequalification, the procedures shall identify a uniform system for rating bidders on the basis of a completed questionnaire and financial statements.

(cf. 9270 – Conflict of Interest)

Uniform Public Construction Cost Accounting Procedures

The District has adopted the California Uniform Public Construction Cost Account Act procedures under Public Contract Code 22000 et.seq.

In awarding contracts for public works projects involving District facilities, the Governing Board desires to obtain the best value to the District and ensure the qualifications of contractors to complete the project in a satisfactory manner. The Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the informal bidding procedures when allowed by law.

(cf. 3311 - Bids)

(cf. 7110 - Facilities Master Plan)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading legal requirements for competitive bidding. (Public Contract Code 22033)

Projects awarded through the UPCCAA shall be subject to the cost accounting procedures established by the California Uniform Construction Cost Accounting Commission. (Public Contract Code 22030)

(cf. 9323.2 - Actions by the Board)

Contracts for Construction Projects

With respect to evaluation of potential contractors based on review of non-price criteria, the District shall develop and use a standardized scoring system with predetermined evaluation criteria. Any scoring system used by the District shall identify how each of the evaluation criteria will be measured and the relative significance or weight that will be assigned to each criterion. A description of the scoring system shall be included in all solicitation documents involving selection of contractors based on review of non-price criteria.

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A committee or panel shall be used in all circumstances in which the District evaluates potential contractors based on review of non-price criteria, including best value procurement, contractor prequalification and professional services procurement. Such committee or panel shall be comprised of District staff, but the District may include on the committee or panel: (i) a member of another school District; and/or (ii) other outside expert(s) in public works contracting.

Any prehire collective bargaining agreement constituting a "project labor agreement," as defined in Public Contract Code 2500(b), shall include the taxpayer protections set forth in Public Contract Code 2500(a).

The District shall endeavor to provide public notice of the negotiation of a project labor agreement at least 60 days prior to a vote of the Governing Board on such agreement. The District shall consider holding a workshop prior to approval of the agreement to evaluate reasonableness of the agreement.

Legal References:

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act
17250.10-17250.55 Design-build contracts
17406 Lease-Leaseback contracts
17595 Purchases through Department of General Services
17602 Purchase of surplus property from federal agencies
38083 Purchase of perishable foodstuffs and seasonable commodities
38110-38120 Apparatus and supplies
39802 Transportation services

BUSINESS AND PROFESSIONS CODE

7056 General engineering contractor

7057 General building contractor

CODE OF CIVIL PROCEDURE

446 Verification of pleadings

GOVERNMENT CODE

4217.10-4217.18 Energy conservation contracts

4330-4334 Preference for California-made materials

6252 Definition of public record

53060 Special services and advice

54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

1102 Emergencies

1103 Definition responsible bidder

2000-2002 Responsive bidders

2500 Project labor agreements; taxpayer protections

3000-3010 Roofing projects

3400 Bids, specifications by brand or trade name not permitted

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BIDS (continued)

Legal References: – Continued

3410 United States produce and processed foods
4113 Prime contractor; subcontractor
6610 Bid visits
12200 Definitions, recycled goods, materials, and supplies
20101-20103.7 Public construction projects, requirements for bidding
20103.8 Award of contracts
20110-20118.4 Local Agency Public Construction Act by school districts
20189 Bidder's security, earthquake relief
22000-22045 Alternative procedures for public projects (UPCCAA)
22152 Recycled product procurement

COURT DECISIONS

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739
Great Western Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425
Marshall v. Pasadena USD (2004), 119 Cal.App.4th 1241
Konica Business Machines v. Regents of the University of California (1988),
206 Cal.App.3d 449
City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court (1972),
7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 1 (2006)

Management Resources:

WEBSITES

California School Boards Association: www.csba.org
California Association of School Business Officials: www.casbo.org
California Department of Education: <http://www.cde.ca.gov>
California Department of General Services: <https://www.dgs.ca.gov>

Policy

Adopted: 11/13/90
Revised: 05/22/01
Revised: 10/24/12
Revised: 08/15/18
Revised: 11/13/19

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California